

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN
See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF
UNITED STATES OF AMERICA
DEFENDANT
HERBERT LEE BAILEY

COURT CASE NUMBER
MISC. NO. 208MC3399-WKW
TYPE OF PROCESS
Motion, Affidavit and Order

**SERVE
AT**

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
Herbert Lee Bailey
ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)
1650 Goode Street, Montgomery, AL 36104

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW

U.S. Attorney's Office
Attn: M. Tunnell
Post Office Box 197
Montgomery, AL 36101

MAR 21

Number of process to be served with this Form 285	3
Number of parties to be served in this case	1
Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

Fold

Fold

DOB: August 4, 1952

SSN*

1422

Signature of Attorney or other Originator requesting service on behalf of:

☒ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER
(334) 223-7280

DATE
3/6/08

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated.
(Sign only for USM 285 if more than one USM 285 is submitted)

Total Process

District of Origin
No. 02

District to Serve
No. 02

Signature of Authorized USMS Deputy or Clerk

Date

3/13/08

I hereby certify and return that I have personally served, have legal evidence of service, X have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)

A person of suitable age and discretion then residing in defendant's usual place of abode

Address (complete only different than shown above)

3/20/08

Date
3/20/08
Time
11:00
am
pm

Signature of U.S. Marshal or Deputy

Signature of U.S. Marshal or Deputy

Service Fee 45.00	Total Mileage Charges including endeavors 1.94	Forwarding Fee	Total Charges 46.94	Advance Deposits	Amount owed to U.S. Marshal* (Amount of Refund*) \$0.00
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REMARKS: 3/14/08 2:15pm Address no good. HAS not live there for the past 1-5 yrs
3/20/08 - Computer checks & AL Driver Info does not list current address for Bailey. Rpt - Refused Unexecuted Rpt

PRINT 5 COPIES:

1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

Form USM-285
Rev. 2/15/80
Authorized 01/00

SCANNED

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	MISC. NO. 2:08-mc-3399-WKW
)	
HERBERT LEE BAILEY)	
)	
Defendant)	

ORDER FOR APPEARANCE OF JUDGMENT DEBTOR

Plaintiff, United States of America, having moved the Court for an Order requiring the Defendant, HERBERT LEE BAILEY, to appear and testify at a Judgment Debtor Examination, and the Court being sufficiently advised, it is **ORDERED** that the *Motion for Order Requiring Examination of Judgment Debtor* (Doc. 1, filed March 6, 2008) is **GRANTED**.

It is **ORDERED** that Defendant, HERBERT LEE BAILEY, appear on **April 16, 2008 at 10:00 a.m.**, Courtroom 4A, United States Federal Courthouse, One Church Street, Montgomery, Alabama 36104, to answer questions concerning Defendant's real and personal property.

It is further **ORDERED** that Defendant bring the following documents:

1. Copies of personal and business income tax returns for the years 2004, 2005, 2006, and 2007.
2. Copies of all personal and business bank statements for the years 2006, 2007, and

Page 1 of 2

ATTEST: A True Copy. 3/12/08
Certified to _____
Clerk, U.S. District Court,
Middle District of Alabama

BY William C. D.
Deputy Clerk

2008.

3. Record of any safety deposit box in your name or that of your spouse.
4. Copy of title or deed of personal residence if owned by you or any member of your family. If not, a copy of proof of ownership by unrelated party.
5. Copy of title or license of automobiles, airplanes, motorcycles and boats owned or driven by you or your spouse.

DEFENDANT, HERBERT LEE BAILEY, IS HEREBY ADVISED THAT FAILURE TO APPEAR AT THE TIME AND LOCATION SET FORTH ABOVE MAY RESULT IN A BENCH WARRANT BEING ISSUED FOR DEFENDANT'S ARREST. A COPY OF THIS ORDER, TOGETHER WITH COPIES OF PLAINTIFF'S MOTION AND AFFIDAVIT, SHALL BE SERVED UPON DEFENDANT FORTHWITH.

DONE this 12th of March, 2008.

/s/Terry F. Moorer
TERRY F. MOORER
UNITED STATES MAGISTRATE JUDGE

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

2008 MAR -6 P 4:50

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
HERBERT LEE BAILEY,)
)
Defendant,)

PAUL W. HACKETT, CL.
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA.

MISC NO. 2:08mc3399-W

MOTION FOR ORDER REQUIRING EXAMINATION
OF JUDGMENT DEBTOR

Plaintiff, United States of America, moves the Court to issue an Order requiring the Defendant, HERBERT LEE BAILEY, to appear and testify at a Judgment Debtor Examination in aid of execution under Rule 69 F.R.C.P., and in support of this Motion relies upon the Affidavit annexed hereto as Exhibit A.

LEURA G. CANARY
United States Attorney

By: 

R. RANDOLPH NEELEY
Assistant United States Attorney
Bar Number: 9083-E56R
Attorney for Defendant
Post Office Box 197
Montgomery, AL 36101-0197
Telephone No.: (334) 223-7280
Facsimile No.: (334) 223-7418
E-mail: rand.neeley@usdoj.gov

2008 MAR 13 A 9:46

RECEIVED

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RECEIVED

2008 MAR -6 P 4:50

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
HERBERT LEE BAILEY,)
)
Defendant,)

JOSE P. HACKETT, CL.
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

MISC. NO. 2:08mc03399-W

AFFIDAVIT

I, R. Randolph Neeley, having been first duly sworn, depose
and say as follows:

1. I am an Assistant United States Attorney and represent the
United States of America, Plaintiff, herein.


2. Judgment was entered on January 26, 2001 for Plaintiff and
against Defendant for the sum of \$12,277.39, together with interest
thereon from the date of Judgment, and costs.

3. Defendant, HERBERT LEE BAILEY, resides at 1650 Goode
Street, Montgomery, Alabama 36104, within the jurisdiction of this
Court.

4. The Judgment has not been satisfied, vacated, reversed, or
barred by the Statute of Limitations, and is one on which execution
may properly issue.


5. The balance due on the Judgment as of March 5, 2008, is
\$11,077.39.

LEURA G. CANARY
United States Attorney

By: 
R. RANDOLPH NEELEY
Assistant United States Attorney
Bar Number: 9083-E56R
Attorney for Defendant
Post Office Box 197
Montgomery, AL 36101-0197
Telephone No.: (334) 223-7280
Facsimile No.: (334) 223-7418
E-mail: rand.neeley@usdoj.gov

Sworn to and subscribed before me this

6th day of March, 2008.



NOTARY PUBLIC

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	MISC. NO. 2:08-mc-3399-WKW
)	
HERBERT LEE BAILEY)	
)	
Defendant)	

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 Clerk, U.S. District Court,
 Middle District of Alabama
 BY William C. Price
 Deputy Clerk

2008.

3. Record of any safety deposit box in your name or that of your spouse.

4. Copy of title or deed of personal residence if owned by you or any member of your family. If not, a copy of proof of ownership by unrelated party.

5. Copy of title or license of automobiles, airplanes, motorcycles and boats owned or driven by you or your spouse.

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DONE this 12th of March, 2008.

/s/Terry F. Moorer
TERRY F. MOORER
UNITED STATES MAGISTRATE JUDGE